

any of the other delegates, I wonder, Delegate Mudd, if I could have you revert to the question asked by Delegate Willoner and ask you if you would not elaborate on it or if you would say whether the following statement by the Chair would be a proper elaboration.

DELEGATE MUDD: What section?

THE CHAIRMAN: Dealing with 5.01. That is that the same reasons which were assigned by the courts in holding that quasi-judicial agencies were not exercising a judicial function under the separation of powers doctrine would be the reason behind your answer that the quasi-judicial agency would not be exercising judicial function in contravention of section 5.01.

DELEGATE MUDD: Thank you for helping me, sir. Exactly.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: I would like to continue along that line. Does that mean then it would be within the competence of the General Assembly to determine that, say, auto injury cases should be taken out of the judicial system and be handled by a newly created agency which would determine the respective rights of the parties in those cases.

DELEGATE MUDD: You mean tort cases or traffic violations?

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Either.

DELEGATE MUDD: I think it is possible for the legislature to provide for an agency to deal with the revocation and suspension of licenses for motor vehicle violations if that is responsive to your question.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: That only responds to part of the question. Could they also say that we are disturbed at the tremendous amount of time, use of jury trials, and so on with regard to auto injury cases and take the auto injury cases out and give them to a specialized agency.

DELEGATE MUDD: No, because, I think, that has been accomplished or has been discussed in some jurisdictions, so I am told, through a master branch of the trial court, for instance. There is delegated to a master or some agency of court the matter of determining the monetary loss or damages, but not the exercise of the judicial power in the matter.

THE CHAIRMAN: Delegate Chabot, do you have a further question?

DELEGATE CHABOT: Yes, still along this line. The United States Constitution has similar language except for the use of the word exclusively, and yet has created a number of non-Article III courts or agencies which handle cases exactly like the cases handled in the regular court system. I refer to the customs and patent court, United States tax court and for quite a while the court of claims, which was held to be a non-Article III court.

Would you say that the use of the word exclusively would make that impossible here?

DELEGATE MUDD: I cannot answer your question in relation to the federal system, but some of those functions you mentioned are, I believe, non-judicial.

THE CHAIRMAN: Any further question, Delegate Chabot?

DELEGATE CHABOT: Yes. Let me go to a different topic. Did you indicate that commissioners could be non-lawyers?

DELEGATE MUDD: Yes.

DELEGATE CHABOT: Did the Committee feel that it was wise even within the limitations of the rule-making power to permit non-lawyers to make determinations as to arrest warrants in view of the constitutional problems?

DELEGATE MUDD: Yes, but that will, I am sure, require someone with knowledge and instructions.

THE CHAIRMAN: Any further questions Delegate Chabot?

DELEGATE CHABOT: Yes, sir. With regard to the use of the word resident in sections 5.08 and 5.10, we have met the word in the legislative article and we will meet it in the suffrage and elections article. Is this to be necessarily the same concept we find in those articles or may this be a different concept.

DELEGATE MUDD: Our Committee considered the use of the word "resident," and also "domicile" and "citizen," and we adopted the word "resident" as being the most descriptive of what we intended.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: But then this may be something that is different from a resident for purposes of the legislative